
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

ROBERT MITCHELL ALEXANDER,

Plaintiff,

versus

RICHARD ALFORD, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:12-CV-257

**MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Robert Mitchell Alexander, an inmate confined at the Stiles Unit, proceeding *pro se*, brought this civil rights action pursuant to 42 U.S.C. § 1983 against prison officials.

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends this action be dismissed without prejudice pursuant to 28 U.S.C. § 1915(g).

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation. This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. *See FED. R. CIV. P. 72(b).*

After careful consideration, the court concludes Plaintiff's objections are without merit. Plaintiff complains that mold in the shower and dust and lint in his assigned building caused a nasal infection for which he was prescribed an antibiotic and artificial tears. Further, Plaintiff complains of the alleged denial of access to the courts. Plaintiff's claims are insufficient to demonstrate he was in imminent danger of serious physical injury at the time he filed the complaint. *See Banos v. O'Guin*, 144 F.3d 883, 884 (5th Cir. 1998).

O R D E R

Accordingly, Plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 6th day of February, 2013.

Marcia A. Crone

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE